

Notice of Allowability

Application No.

09/971,880

Examiner

James H. Zurita

Applicant(s)

HAYNES ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11 October 2005.
2. ☒ The allowed claim(s) is/are 1 and 9-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Election/Restrictions

On 3 October 2001, applicant filed the instant application. There are no claims to priority.

On 10 March 2005, the Examiner issued an Election/Restriction Requirement.

On 21 March 2005, applicant elected claim 1 without traverse.

On 1 July 2005, the Examiner issued a non-final rejection of claim 1.

On 11 October 2005, applicant filed an amendment.

Response to Amendment

On 11 October 2005, Applicant amended claim 1, cancelled claims 2-8 and added claims 9-20.

In response to applicant's amendment, Claims 1, 9-20 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance for independent claim 1.

Applicant's amendment is commensurate with the original disclosure.

Additional searches show that the prior art of record does not anticipate and does not fairly and reasonably teach a method for purging abandoned shopping carts from an electronic commerce web site operated by a merchant, said electronic commerce web site comprising a web server, said method comprising the **steps** of:

identifying, upon occurrence of a next update time, guest shopping carts and established shopping carts existing at the electronic commerce web site, the guest shopping carts being shopping carts that belong to guest shoppers of the electronic web site, the established shopping cars being shopping carts that belong to established shoppers of the electronic commerce web site, a guest shopper being defined as a shopper who does not have prior relationship of record with the merchant, an established shopper being defined as a shopper who has a prior relationship of record with the merchant;

determining the total number (L) of guest shopping carts existing at the electronic commerce web site;

ascertaining whether L exceeds a specified guest shopper threshold number (M) of guest shopping carts existing at the electronic commerce web site, wherein if said ascertaining ascertains that L does not exceed M, then again performing the identifying, determining steps and ascertaining steps, and wherein if said ascertaining ascertains that L exceeds M, then the method further comprises the steps of:

purging a subset of the guest shopping carts from the electronic commerce web site according to a first algorithm that is specific to the guest shopping carts, said first algorithm being comprised by the web server;

purging a subset of the established shopping carts from the electronic commerce web site according to a second algorithm that is specific to the established shopping carts, said second algorithm being comprised by the web server, said second algorithm differing from the first algorithm; and

again performing the identifying, determining steps and ascertaining steps, after performing the steps of purging the subset of the guest shopping carts and purging the subset of the established shopping carts.

The closest patent prior art, Marks, 6,876,977, fails to disclose the combination of steps of identifying, determining, ascertaining and purging subsets of established shopping carts and guest shopping carts, according to the specific algorithms and combination of next update time and threshold number of shopping carts belonging to each type of shopper.

The closest non-patent literature, Bulletin of the Technical Committee on Data Engineering, March 2000, Vol. 23, No. 1, discloses, page 27, shopping cart classes and objects having parameters such as active indicator, and expiration date. The Bulletin discusses, on page 44, shopping cart persistence and resource management in a virtual environment. However, the Bulletin fails to disclose methods including the steps of identifying, determining, ascertaining and purging subsets of established shopping carts and guest shopping carts, according to the specific algorithms and combination of next update time and threshold number of shopping carts belonging to each type of shopper.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements for Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JZ
James Zurita
Patent Examiner
Art Unit 3625
22 December 2005


WYNN W. COGGINS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600